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7 Attorneys for Defendant
COUNTY OF LOS ANGELES

8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
11

12 MAYA LAU,

13 Plaintiff,

14 v.

15 COUNTY OF LOS ANGELES;
ALEX VILLANUEVA; MARK
16 LILLIENFELD; and TIM
MURAKAMI,

17 Defendants.
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CASE NO. 2:25-cv-04766 SPG (BFMx)

**DEFENDANT COUNTY OF LOS
ANGELES' NOTICE OF MOTION
TO DISMISS PLAINTIFF MAYA
LAU'S FIRST AMENDED
COMPLAINT FOR DAMAGES AND
OTHER RELIEF**

*[Filed Concurrently with Memorandum of
Points and Authorities; Declaration of
Jason H. Tokoro; Request for Judicial
Notice; and [Proposed] Order]*

Date: September 10, 2025

Time: 1:30 p.m.

Crtrm.: 5C - First Street Courthouse

Assigned to the Hon. Sherilyn Peace
Garnett, Crtrm. 5C and Magistrate Judge
Brianna Fuller Mircheff, Crtrm. 780

Trial Date: None Set

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on September 10, 2025, at 1:30 p.m., or as
3 soon thereafter as the matter may be heard before the Honorable Sherilyn Peace
4 Garnett, United States District Judge, in Courtroom 5C of the First Street
5 Courthouse, located at 350 West First Street, Los Angeles, California 90012,
6 Defendant County of Los Angeles (the “County”), will, and hereby does, move for
7 an order dismissing the First Amended Complaint for Damages and Other Relief
8 (“FAC”) filed by Plaintiff Maya Lau, pursuant to Rule 12(b)(6) on the ground that
9 the FAC fails to state a claim upon which relief can be granted.

10 Plaintiff’s FAC brings one cause of action against the County: a section 1983
11 First Amendment retaliation claim based on *Monell*. (Dkt. No. 30.) Plaintiff filed
12 her FAC just hours after the County filed its Motion to Dismiss her Original
13 Complaint. (Dkt. No. 29.) Despite previously meeting and conferring pursuant to
14 Local Rule 7-3, Plaintiff provided the County with no indication that she intended to
15 amend her Complaint. (See Declaration of Jason H. Tokoro (“Tokoro Decl.”) ¶ 7.)
16 Her FAC removed the Bane Act cause of action against the County and the
17 Individual Defendants and the Civil Conspiracy cause of action against the
18 Individual Defendants. (*Id.* ¶ 8.)

19 Nevertheless, Plaintiff’s factual allegations to support her First Amendment
20 retaliation claim are unchanged between her Original Complaint and FAC.
21 (*Compare* Dkt. No. 1 *with* Dkt. No. 30.) In other words, Plaintiff had the benefit of
22 reading the County’s Motion to Dismiss, and elected not to change any of her
23 allegations. So not only does Plaintiff’s *Monell* claim fail as a matter of law, but
24 Plaintiff’s pleading history makes clear that leave to amend would be futile since
25 she has amended her pleading to address the County’s arguments already.

26 To bring a section 1983 claim, a plaintiff must allege the “deprivation of a
27 right secured by the Constitution and laws of the United States.” [*Tsao v. Desert*](#)
28 [*Palace, Inc.*, 698 F.3d 1128, 1138 \(9th Cir. 2012\)](#). Plaintiff points only to the

1 criminal investigation that did not result in any charges, arrest, or trial. Courts
2 nationwide have held that a criminal investigation, without more, does not violate a
3 person’s constitutional rights as a matter of law. *E.g.*, [*Colson v. Grohman*, 174 F.3d](#)
4 [*498, 513 \(5th Cir. 1999\)*](#) (municipality not liable for First Amendment retaliation
5 where police chief’s confidential investigation of plaintiff resulted in no arrest or
6 charges, because “retaliatory criticisms, investigations, and false accusations that do
7 not lead to some more tangible adverse action are not actionable under § 1983”).

8 Plaintiff’s claim also fails because she has not pled a cognizable injury
9 capable of redress. She indicates her claim seeks to rectify harms being suffered by
10 Los Angeles journalists, but she does not allege facts to show the Los Angeles
11 County Sheriff’s Department (the “Department”) currently has any policy related to
12 retaliatory investigations of journalists. Nor is Plaintiff a Los Angeles journalist—
13 she lives in Mexico City. And Plaintiff’s only alleged injury is a vague reference to
14 “anxiety,” which is insufficient to support a cognizable harm.

15 Lastly, to the extent this case is permitted to proceed, the County is the only
16 proper defendant. Plaintiff alleges the Individual Defendants all acted within their
17 official capacities as members of the Department. *See, e.g.*, [*Pierce v. San Mateo*](#)
18 [*Cnty. Sheriff’s Dep’t*, 232 Cal. App. 4th 995, 1018 \(2014\)](#).

19 LOCAL RULE 7-3 STATEMENT

20 On July 11, 2025, the County sent Plaintiff a written meet-and-confer letter
21 outlining the arguments in its Motion to Dismiss Plaintiff’s Original Complaint.
22 (Tokoro Decl. ¶ 4 & Ex. 3.) Counsel for the parties held a conference of counsel
23 pursuant to Local Rule 7-3, which took place on July 17, 2025, at 9:00 a.m. via a
24 Microsoft Teams video conference. (*Id.* ¶ 5.) On that conference, the parties
25 thoroughly discussed the substance and potential resolution of the County’s original
26 Motion. (*Id.*) Counsel for Plaintiff did not indicate any intention to amend
27 Plaintiff’s Original Complaint in any way in response to the County’s arguments.

28 This Motion is made following a conference of counsel pursuant to Local

1 Rule 7-3, which took place on August 5, 2025, at 12:30 p.m. via a Microsoft Teams
2 video conference. On that conference, the parties thoroughly discussed the
3 substance and potential resolution of this Motion. (*See id.* ¶¶ 9–10.)

4 * * *

5 This Motion is based on this Notice of Motion, the attached Memorandum of
6 Points and Authorities, the Declaration of Jason H. Tokoro and exhibits thereto, the
7 Request for Judicial Notice, the pleadings and papers on file in this action and any
8 oral argument that may be presented when the Motion is heard.

9
10 DATED: August 12, 2025

Respectfully Submitted,

11 MILLER BARONDESS, LLP

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14 By: /s/ Jason H. Tokoro

15 JASON H. TOKORO

16 Attorneys for Defendant

17 COUNTY OF LOS ANGELES
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